

**MINUTES OF THE REGULAR MEETING  
OF THE FACULTY SENATE HELD ON  
APRIL 13, 2001, IN THE ALUMNI HOUSE  
1925 F STREET, NW**

The meeting was called to order by President Trachtenberg at 2:15 p.m.

**Present:** President Trachtenberg, Vice President Lehman, Interim Registrar Terpstra, and Parliamentarian Pagel; Deans Phillips and Tong ; Professors Boswell, Captain, Castleberry, Divita, Duff, Gallo, Griffith, Haque, Harrington, Hoare, Johnston, ~~Lindahl~~, McAleavey, Mergen, Nagy, Park, Pelzman, Robinson, Simon, Stephanic, Wilmarth, and Zaghloul  
A Thornton

**Absent:** Deans Futrell, Harding, Lefton, Riegelman, Williams, and Young; Professors Cawley, Lindahl, and Yezer

A brief recess was called for the purpose of having a group photograph taken of the Faculty Senate for the 2000-01 Session.

## APPROVAL OF THE MINUTES

The minutes of the regular meeting of March 9, 2001, were approved as distributed.

## RESOLUTIONS

**RESOLUTION 00/6, "A RESOLUTION ON THE REVISED DRAFT OF  
THE SEXUAL HARASSMENT POLICIES AND PROCEDURES"**

Professor Robinson, Chair of the Committee on Professional Ethics and Academic Freedom (PEAF), spoke to the Resolution. She said the crafting of a Sexual Harassment Policies and Procedures document, passed by the Faculty Senate in May 2000, has involved a great deal of time and effort on the part of our many colleagues and ourselves. Following is a review of the chronology of that effort:

### CHRONOLOGY:

- Some five years ago, an interim Sexual Harassment Policies and Procedures document was drafted by the Administration. In order to guarantee academic freedom, this policy had a classroom exclusion from its prohibitions.
- This proposed policy was assigned to the Professional Ethics and Academic Freedom Committee (PEAF) for review, modification, and recommendation.

- The Committee made significant changes in the document in order to provide fair procedures for those accused.

- The policy, as revised by PEAFF, was presented to the Faculty Senate during the Spring, 1999 Semester.

- The Faculty Senate voted to establish an ad hoc Committee of Faculty and Administration to produce a policy that would be reported to the Senate. The Committee was joined by University Counsel and outside Counsel retained by the University. The work of the Committee took place over the summer months and the fall semester.

- Distributed in January, 2000, the proposed policy was reviewed by many members of the Faculty and suggestions for changes were made, especially by the Law School Faculty.

- The document was further modified by the ad hoc Committee and forwarded to the Faculty Senate.

- Three Faculty Senate meetings were devoted last spring to a very open and meaningful debate and an amended Policy was passed by the Faculty Senate. The Senate's revisions were assisted by legal advice from members of the Law School as to the requirements of Federal law. The document was then forwarded to the Administration in May, 2000.

- The Administration employed new outside Counsel to review the Policy.

- New outside Counsel made significant changes to the document on which the Senate and Colleagues throughout the University had committed such considerable thought and time; while they accepted a Senate compromise on speech in the classroom, on the due process side, the new outside Counsel proposed returning to the punishment without trial provisions of the ad hoc Committee's December, 1999 draft, a draft that was subsequently modified by the ad hoc Committee itself.

- The Resolution that is before you is designed to support the work of the Senate as completed last spring and to protest the absence of fair procedures in the latest Administration document.

Now, I would like to talk about process because I think this is very important; and I think what we are faced with is something similar to the discussion we had at our last meeting over Grievance Procedures and the changes that were made to that document by the Administration.

PROCESS:

- After considering the Senate version of the Policy from May, 2000 until December, 2000, the Policy was distributed by the Administration to the entire faculty with a request for comments by March 15, 2001. Senate members were therefore informed of the new document only as members of the Faculty of the University.

- Contrary to our established practice and the principles of shared governance, so frequently lauded by the Administration, a document so important, and one that had been forwarded to the Administration by the Faculty Senate, was not returned for consideration and action to the Senate itself.

- As in the case of the Grievance Procedures, discussed at our last Meeting, the Senate was, again, essentially bypassed in the process.

- While the Administration certainly has the right to make its own Review, seek additional advice, and propose changes to a document transmitted by the Faculty Senate, the document should have been returned to the Senate with a full explanation of the reasons for these major changes (ones that had been the focus of much of the Senate's debate) along with the evidence and case law to support the changes. The Faculty simply received the revised document, essentially as a fait accompli.

- Had this standard procedure been followed, the Senate would have proceeded to consider, debate, and act upon the proposed changes, and that certainly would have been consistent with our established practice of some 50 years of shared governance.

I would like now to turn the floor over to Professor Wilmarth who will speak to the substance of the Resolution.

Prior to Professor Wilmarth's taking the floor, Professor Griffith requested permission to ask a point of clarification, and Professor Robinson agreed. Professor Griffith inquired as to the status of the memorandum found on the table before the meeting began, dated April 3, 2001, to President Trachtenberg from Verner, Liipfert and the revised Policy draft, and he said that he had no idea what the standing of this new document was.

Before responding to this query, President Trachtenberg asked if the Resolution itself was complete, and Professor Robinson confirmed that it was. Professor Griffith then continued by saying that the memorandum and newly-revised draft Policy did not indicate whether or not the Administration was prepared to accept or reject it, and whether or not, therefore, the Senate should address its attention to this new information.

Vice President Lehman stated that the document which had come from Verner, Liipfert was the product of the meeting of three professors from the GW Law School, the General Counsel's Office, and outside Counsel from Verner, Liipfert. He added that this Committee had been constituted by the Executive Committee of the Faculty Senate at one of their meetings a month or so ago.

Professor Griffith said that he understood that, but that the Senate had often encountered a situation where University Counsel participates in negotiations, and the University later repudiates that, and he said that the Senate needed to know if the new material was something the University was prepared to accept as a compromise document or not.

Professor Pelzman requested permission to respond and was granted the floor. He said that the bottom line was that there was an attempt made by the Executive Committee to reach a compromise between the Policy the outside Counsel produced and that which the Senate had forwarded to the Administration. He added that we clearly object to the process, to the fact that outside Counsel was brought in, and to the fact that there is a conflict of interest between their position as "corporate counsel" versus an academic university with its own standards. Professor Pelzman continued, saying that the Senate needed an opportunity to read the new document and that, despite the fact that the material was dated April 3rd, the Senate had only received it on April 13<sup>th</sup>. He said that he thought the Senate ought to read the newly distributed revised Policy before it decided whether or not there was a compromise, and he moved that further discussion be postponed until the Senate was given the opportunity to review the revised Policy.

Professor Harrington said that he thought it completely out of order to discuss the newly revised Policy, as no one had agreed to this. President Trachtenberg pointed out that the Senate was not discussing the newly-revised Policy, but rather Resolution 00/6.

Professor Wilmarth took the floor and made the following points. First, he said, the Executive Committee at its February meeting – three meetings ago – had discussed with senior University officials the idea of a possible compromise between competing versions of the Sexual Harassment Policy and Procedures, and it was agreed that the comment period before the Resolution would be postponed from March 15 to April 30. Therefore, he said, the deadline for the Senate's consideration of this matter was April 30, and if the Senate did not act at this meeting, it could potentially lose its opportunity to comment, since its next meeting was not scheduled until May 4.

Secondly, Professor Wilmarth said, it was agreed that the compromise document would come back to the Executive Committee by March 15<sup>th</sup>, an agreed upon deadline that would have provided ample opportunity to review the document and consider whether in fact it had achieved any basis for a compromise. He added that the document did not arrive on March 15<sup>th</sup>, and despite an e-mail he sent on or about March 23<sup>rd</sup> to the Academic Vice President's Office and inquiries about the document from Senate staff, no one connected to the Senate could



determine whether there was going to be a revised Policy or not. Finally, he said, the document was delivered to the Senate on April 13<sup>th</sup>, the day of its meeting. This was not his idea of proper consultation, and moreover, although the document was accompanied by a cover letter, there were no markings to indicate the changes made to the document itself. Professor Wilmarth said that, just before the meeting started, he had had an opportunity to speak with Mr. Weitzner of the University Counsel's office, who had pointed out the changes in the newly revised document. Professor Wilmarth offered to explain to the Senate what the changes were, as he understood them. In his opinion, the changes were not significant, and would remove only one of the many objections that had been articulated previously.

Professor Pelzman reiterated his suggestion that the newly revised document be excluded from consideration and that the Senate deal with Resolution 00/6 and the prior revised draft.

Professor Wilmarth added that, of the three professors who were on the Special ad hoc Committee, two out of three were not satisfied with the document produced, because the changes made were not sufficient to remove their concerns. He then offered to proceed through the document, since this was a serious matter. Professor Pelzman asked which document would be discussed, and Professor Wilmarth said he would be discussing Resolution 00/6 and problems arising from the prior draft Policy. Professor Pelzman then asked Professor Wilmarth if he was willing to exclude the document from Verner, Liipfert as he wished to move to exclude it, and have a vote on Resolution 00/6 and the prior revised draft, if possible. President Trachtenberg said he thought such a motion would be out of order.

Professor Park raised a point of order. He thought it appropriate to restrict debate on matters not germane to the issue before the Senate, and so, an offer of a motion to exclude the Verner, Liipfert document from consideration was, it seemed to him, appropriate. This point was offered, he said, to the Parliamentarian as an inquiry. Parliamentarian Pagel stated that if a motion was made to amend, it would be appropriate. As to whether or not the motion was germane, he was unsure. Professor Park clarified that the motion would be germane to the debate, not to the Resolution, since the Resolution was merely one that asks the President to reject a referenced document. Discussion followed by Professors Pagel and Park on the appropriate procedure to be followed. Parliamentarian Pagel pointed out that Professor Wilmarth had the floor, and Professor Pelzman offered to make a motion to remove the Verner, Liipfert document from consideration. Professor Wilmarth said he would not object. Professor Pelzman then moved that the Verner, Liipfert document be removed from consideration, and Professor Robinson seconded the motion.

Professor Johnston moved that the Senate meeting be adjourned until such time as another meeting could be scheduled, including a Special meeting, if necessary. He then asked what the purpose of the April 30 deadline was. Professor Wilmarth responded that it was because the President wanted to bring this matter to a close, and that the April 13<sup>th</sup> meeting was the last Senate meeting of the 2000-01 Session. After that, he said, the composition of the Senate

would change and those who had worked longest on this issue might no longer be present for the discussion. President Trachtenberg said that the April 30 deadline had been designated to encourage closure on the Policy, as it had been under consideration since October, 1997. He added that his purpose in this was not to rush through a process which had already consumed a great deal of time, and that if it would add to the participation of the faculty and the deliberation of the most recent document, he would be willing to extend the April 30<sup>th</sup> deadline for a few more weeks in order to be accommodating. He also pointed out that even without the unanimous approval of the three law faculty, the Verner, Liipfert document had received three of five votes. He then asked the Senate how it wished to proceed.

Professor Pelzman said his preference would be to discontinue the discussion until a later time, and his second choice would be to exclude the Verner, Liipfert document from discussion, in which case the Senate would consider Resolution 00/6. Professor Griffith spoke in support of Professor Johnston's comments. He said that his understanding was that the Executive Committee had asked to have the special committee established in order to reach a compromise between the positions that had developed. While he thought the debate in the Senate had improved the Harassment Policy, he thought that, on the whole, parts of it would surely be turned down by the Administration, particularly those provisions which were probably perceived as overly protective of the faculty. He added that he thought the question before the Senate was whether or not the Senate could produce a better Harassment Policy, and that he didn't think that could be done unless the Senate had time to look at the Verner, Liipfert draft. Therefore, he said, he supported a motion to postpone discussion, and asked if a motion to postpone would take priority over the one on the floor. Parliamentarian Pagel asked Professor Pelzman if he was willing to withdraw his motion, and Professor Pelzman said that he would withdraw his motion, and substitute the motion to postpone, since his preference was to postpone discussion.

Professor Johnston's substitute motion to postpone discussion until such time as another meeting, including a special Meeting, could be scheduled, was seconded by Professor Griffith.

Professor Wilmarth spoke in favor of discussing the Verner, Liipfert document because, he said, it contained four very narrow, and easily understood, changes, and only one of them really responded to any of the objections raised. He added that the April 13<sup>th</sup> meeting had been duly noticed, and that a full complement of the Senate was present. He also said he did not think it was consistent with the dignity of the Senate to have the administration deliver a document nearly a month after it was due and disrupt its proceedings and expect the Senate to reschedule its meeting to another date. Finally, he said, he would feel entirely differently if the Verner, Liipfert document were a comprehensive revision, but it was not, and he didn't think it was a sound idea to postpone the discussion.

Professor Park spoke in support of the motion. He said that he appreciated Professor Wilmarth's concern about moving forward, but he thought that this Policy is a matter of intense concern to all members of the Senate. While he would agree, he said, that the late delivery of the document was unprofessional, and he trusted the summary of changes described by Professor

Wilmarth, still, he thought that the Verner, Liipfert document should be read and digested, and that the Senate could then meet to consider it.

Professor Robinson said that she thought the two items were separate. She said that Resolution 00/6 addresses the document that was revised by the administration, and not the newest document. If the Resolution were not taken up, she said, then the Verner, Liipfert document should be discussed. On the other hand, she said, if the Senate ignored the Resolution in front of it, in effect that would signal an approval of the administration's unilateral changes. She added that she knew that the content of any Policy was going to be disputed and discussed, and that was appropriate. And if, in fact, the Senate considered the Verner, Liipfert document and agreed with the changes, that would be a satisfactory result. However, she said, she remained very troubled that the Senate was rapidly losing the whole sense of shared governance. It would seem preferable, she concluded, that the Senate consider Resolution 00/6 and vote it up or down and then, at the Senate's May meeting or at a Special Meeting to be called, the Senate should look at the Verner, Liipfert document carefully and then proceed. The ideal result, she said, would be to settle upon a Policy with which most could agree.

Professor Duff spoke in favor of considering and voting on Resolution 00/6, observing that this Resolution strictly refers to the revised draft, and not to the Verner, Liipfert document. He added that he did not think the Senate was precluded from considering the latter document at a later time. Professor Pelzman said he thought that these kinds of deliberations benefited from a full information model, and having the opportunity to read all of the material and all Policy revisions would be helpful. Voting on the Resolution, he said, would be futile, precisely because it concerned itself with a Policy document the Administration was no longer looking at.

Professor Gallo called the question on the motion to postpone. The question was called, a vote was taken, and the Johnston motion passed. Professor Wilmarth noted that the motion did not specify a date to which the business would be postponed. Discussion followed on an alternate date. Professor Griffith moved that the Senate schedule a Special Meeting on April 27, and the motion was seconded. The question was called, and the motion passed. All present agreed that the Special Meeting should commence at 2:10 p.m. on April 27<sup>th</sup>.

Professor Robinson asked if the Senate would receive a version of the Verner, Liipfert document with the changes indicated by underlining, and Professor Wilmarth asked that redlined changes appear as they did in the last document considered. Mr. Weitzner of the General Counsel's office said he could provide this to the Senate.

On behalf of Professor Banzhaf, Professor Wilmarth pointed out that on page 3 of the Verner, Liipfert document there was a reference to the University's legal obligation remaining unsatisfied under Title VII, Par. 9, and he said that it would be helpful to have some statement of the legal authority that supports these conclusions given to the Senate. He added that this sort of statement had been provided with previous changes. President Trachtenberg said he thought that should be possible, and Professor Wilmarth asked if Professor Banzhaf could contact the General Counsel's office for this information directly. President Trachtenberg said

he thought it would be better if Professor Wilmarth communicated with that Office, and Professor Wilmarth agreed to do so.

### INTRODUCTION OF RESOLUTIONS

President Trachtenberg read and presented a Resolution of Appreciation to John G. Boswell, outgoing Chair of the Executive Committee of the Faculty Senate, and Professor of Education, who is retiring this year after 39 years of service to the University. Professor Boswell received an extended standing ovation. (Resolution of Appreciation is attached.)

### GENERAL BUSINESS

#### I. NOMINATION FOR ELECTION OF NOMINEES TO THE EXECUTIVE COMMITTEE FOR THE 2001-02 SENATE SESSION

On behalf of the Nominating Committee, Professor Boswell moved the nomination of the following nominees for election to the Executive Committee for the 2001-02 Session: Professor Lilien F. Robinson (CSAS), as Chair, Professor John L. Glascock (SBPM), Professor Gerald P. Johnston (GWLS), Professor Joseph Pelzman (ESIA), Professor Gary L. Simon (SMHS), Professor Lynda L. West (GSEHD), and Professor Mona Zaghoul (SEAS). The entire slate was approved.

#### II. NOMINATION FOR ELECTION OF NOMINEES TO THE DISPUTE RESOLUTION COMMITTEE

On behalf of the Executive Committee, Professor Boswell moved the nomination for election of the following nominees to the Dispute Resolution Committee for three-year terms commencing May 1, 2001: Professors Robert Brauneis (GWLS), Robert J. Dunn (CSAS), Cynthia J. McSwain (SBPM), Ralph O. Mueller (GSEHD), and Jeffrey P. Smith (SMHS). No nominations were made from the floor, and the slate was approved. Professor Boswell then moved the nomination for re-election of Professor Michael Selmi, as Chair of the Dispute Resolution Committee, for a one-year term. No nominations were made from the floor, and Professor Selmi was elected as Chair of the Dispute Resolution Committee.

#### III. NOMINATION FOR APPOINTMENT BY THE PRESIDENT TO ADMINISTRATIVE COMMITTEES

On behalf of the Executive Committee, Professor Boswell moved the nominations for appointment by the President to the following Administrative Committees: Judicial System: David W. McAleavey (Chair), Reba Carruth, and Gregory D. Squires; University Hearing Board: David J. Goodenough, Carol A. Kochhar, Charis Kubrin, Jeffrey P. Smith; Marvin Center Program Board: Yongwu Rong; Marvin Center Governing Board: Leslie B. Jacobson, Irving J. Katz, Stephen McGraw, and Bradley W. Sabelli; Committee on Student Publications: John M. Artz, Colin Green, Don S. Lee, W. Douglas Maurer, William A. Mosier, and Judith A. Plotz. No nominations were made from the floor, and the nominees were elected.



## II. REPORT OF THE EXECUTIVE COMMITTEE

The report of the Executive Committee by Professor Boswell, Chair, is enclosed.

## III. INTERIM REPORTS OF SENATE STANDING COMMITTEES

There were no interim reports.

## BRIEF STATEMENTS (AND QUESTIONS)

Professor Nagy said that he had a concern about President Trachtenberg's letter dated March 30, 2001, headed "Dear Anarchists, Socialists, and other persons of the University" – specifically, the sentence contained therein that stated the University had no reason, based on the representations of involved companies, to believe that clothing sold in the GW Bookstore had been made under sweatshop conditions. Professor Nagy continued, saying that he did not understand how the University could have that assurance, based upon his reading of the contracting company Codes of Conduct, which basically talked only about prevailing standards of local laws. He then asked the President if he was going to make available lists of the contractors and their location.

President Trachtenberg said that he had not "agreed" to release the information, only that he would consider releasing it, in exchange for information he had requested about the WRC. And contingent on further availability. Much of the information requested has already been provided by GW. In the meantime, he said, since the Worker's Rights Coalition was soliciting funds, the University had asked in return that the advocates of the University joining the Coalition provide information to the University about it, and also provide copies of its Articles of Incorporation and a list of the Board members, because this was the University's fiduciary obligation in such matters.

Professor Nagy said he thought this was excellent, and very easy to do, and he offered to provide the Website address to the President as a way of providing the information requested. The President said that he would be happy to have it, but added he was not aware that Professor Nagy was involved in the situation, as the University had only been talking with students. Professor Nagy confirmed that he had an interest in the matter. The President added that the University was under the impression it had, in fact, put on the GW Website almost all of the information that the students were soliciting, but that they would further review the matter. Professor Nagy said that he just had a concern about information made available concerning the Codes of Conduct. President Trachtenberg then said that since the University was in conversation with the student group, he did not think it appropriate for Professor Nagy to be negotiating with him about the matter. Professor Nagy replied that he was not negotiating, and said that he was only raising a point that members of the Senate might be concerned about. He then encouraged everyone in the Senate to read the Codes of Conduct and to find that essentially they did not provide safeguards unless the contractors were located in the wilds of Norway,

where he trusted that most prevailing standards and labor law were non-exploitative. The President thanked Professor Nagy.

Professor Griffith said that he had two brief statements. The first, he said, concerned the University's announcement that Vice President Michael Worth would be joining the Public Administration faculty, and that President Trachtenberg had commented on this, describing this as Vice President Worth being promoted to the faculty. It had just occurred to him to ask, he said, if the President had thought about the difference in salaries, since he thought it would be the most expensive promotion any administrator ever got, and he just wanted to point that out. He also said he welcomed Vice President Worth to the faculty and hoped that he would join Professor Griffith's Committee on Fiscal Planning and Budgeting where, he hoped, Vice President Worth might be a source of great insight with regard to the budget.

Professor Griffith then said that he wanted to bring to the attention of the Senate information which had not come from the Fiscal Planning and Budgeting Committee, but which might still be of interest. He reported that the April 13<sup>th</sup> Chronicle of Higher Education had published tables on College and University endowment returns in the year 2000. The good news he said, was that GW's endowment at a ranking of 69<sup>th</sup>, approximately where he thought it ranked last year, had increased from \$673.5 million to \$737.6 million from the period June 30, 1999, to a year later. He added that the percentage increase was 9.5%, and said that he wished to note that the average percent change across all institutions was 13%, whereas the percent change for institutions in the range of \$500 million to \$1 billion was 18.8%, and the return for institutions with endowments under \$100 million was 9.7 %, or approximately what GW had achieved. He added that he did not know whether or not this showed that Vice President Katz was keeping the money in his mattress, but that it seemed to him that this information would be of some interest to the Senate.

President Trachtenberg agreed that, obviously, the Senate would want to be informed further about the nature of the University's portfolio, which tended to be invested in real estate to a greater degree than the endowment portfolios of many other universities. The fact that the buildings at 2000 and 2001 Pennsylvania Avenue comprise a significant portion of the University's holdings, he said, gives the University a somewhat different mix than other institutions, which was sometimes advantageous to GW, and at other times, otherwise.

#### ADJOURNMENT

There being no further brief statements, or questions, and upon motion made and seconded, President Trachtenberg adjourned the meeting at 3:15 p.m.

  
Tim Terpstra  
Secretary



A RESOLUTION OF APPRECIATION (00/7)

WHEREAS, John Gordon Boswell will retire in May as Professor Emeritus of Education after 39 years of service to The George Washington University; and

WHEREAS, John Gordon Boswell has earned the respect and gratitude of the entire University community; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

THAT the following citation be issued:

In recognition of his life-long commitment to learning and his contributions to the educational process over his 39 years as a Professor of Education; and

In recognition of the legions of supportive alumni he has generated; and

In recognition of his many thoughtful contributions to the resolution of the numerous issues that have concerned the academic community over the years; and

In recognition of his independence, his integrity, his logical articulation, and his use of the highest principles of behavior in the application of judgment; and

Especially in recognition of his twelve years of dedicated service as a member of the Faculty Senate, including six years on the Executive Committee serving two years as Chair, two years as Chair of the Public Ceremonies Committee, two years as Chair of the University Development and Resources Committee, and four years as Chair of the Appointment, Salary and Promotion Policies Committee;

THE FACULTY SENATE

OF

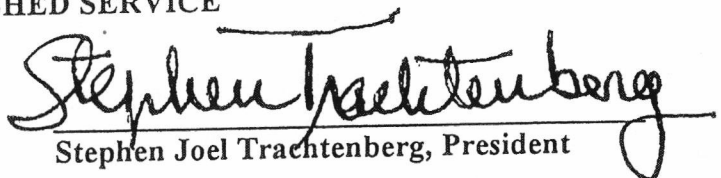
THE GEORGE WASHINGTON UNIVERSITY

CITES

PROFESSOR JOHN GORDON BOSWELL

FOR

DISTINGUISHED SERVICE

  
Stephen Joel Trachtenberg, President

April 13, 2001

Adopted by acclamation  
April 13, 2001



**REPORT OF THE EXECUTIVE COMMITTEE  
APRIL 13, 2001  
PROFESSOR JOHN G. BOSWELL, CHAIR**

**1. SPECIAL MEETING OF THE SENATE**

A Special Meeting of the Senate has been called for April 27, 2001, for the purpose of continued consideration of Resolution (00/6) "A Resolution on the Revised Draft of the Sexual Harassment Policies and Procedures."

**2. MAY SENATE MEETING**

Please note that the May Senate meeting will be held on Friday, May 4, 2001. The May Senate meeting marks the beginning of the new Senate Session (2001-02). Election of Chairs and members of Senate Standing Committees for the 2001-02 Session will take place at the May meeting.

**3. ANNUAL REPORTS FOR THE 2000-01 SESSION**

Annual Reports from the Senate Standing Committees for the current Session will be received at the May meeting. Chairs are requested to note any continuing business which would be a matter for next year's Committee. Those Senate members who are not returning as Chairs are asked to give their Committee files to the new Chairs.

**4. ANNOUNCEMENTS**

The Joint Executive Committees of the 2000-01 and 2001-02 Sessions will meet on April 20<sup>th</sup> to nominate the new Chairs and members of the Senate Standing Committees and to set the agenda for the May 4<sup>th</sup> Senate meeting. Resolutions and/or reports should be submitted to the Executive Committee before its April 20<sup>th</sup> meeting.

I would like to thank the members of the Senate for the work that you have accomplished on behalf of our colleagues in the University. We are having an active, and many would agree to a productive, year in dealing with complex and often contentious issues that affect faculty.

Special thanks is due the members of the Special Committee on the College of Professional Studies who worked more of the summer than they

wanted to and produced a comprehensive set of recommendations for this new institution.

I would also like to acknowledge President Trachtenberg and Vice President Lehman for their assistance in the work of the Executive Committee, though we were not always in agreement about what their assistance should be.

I extend my thanks to my colleagues on the Executive Committee who have worked very hard, devoting much time and energy as a group and individually, to the challenging work of the Committee.

I would also like to acknowledge Brian Selinsky who faithfully served as Secretary of the Faculty Senate for five years before leaving in January to assume another position in the University.

I also want to thank Doris Trone and Sue Campbell for keeping the operation from running into the ditch from time to time. We always have a place to meet, agendas and minutes and various other documents are always produced on time. They work hard to keep our web site current, and they can provide a response to virtually any question about the Senate.

Thank you very much.

**THE GEORGE WASHINGTON UNIVERSITY**  
**Washington, DC**

**The Faculty Senate**

**April 2, 2001**

The Faculty Senate will meet on Friday, April 13, 2001, at 2:10 p.m., in the Alumni House, First Floor, 1925 F Street, NW.

**AGENDA**

1. Call to order
2. Short recess for the purpose of having a group photograph taken of the 2000-01 Faculty Senate
3. Approval of the minutes of the regular meeting of March 9, 2001, as previously distributed

4. Resolutions:

**A RESOLUTION ON THE REVISED DRAFT OF THE SEXUAL HARASSMENT POLICIES AND PROCEDURES (00/6); Professor Lilien F. Robinson, Chair, Professional Ethics and Academic Freedom Committee (Resolution 00/6 attached)**

5. Introduction of Resolutions

6. General Business:

- (a) Nomination for election of the following nominees to the Executive Committee for the 2001-02 Session proposed by the Nominating Committee, Professor Philip W. Wirtz, Convener: Professor Lilien F. Robinson (CSAS), as Chair; Professor John L. Glascock (SBPM), Professor Gerald P. Johnston (GWLS), Professor Joseph Pelzman (ESIA), Professor Gary L. Simon (SMHS), Professor Lynda L. West (GSEHD) and Professor Mona Zaghloul (SEAS), as the other six members
- (b) Nomination for election of nominees to the Dispute Resolution Committee for three-year terms, commencing May 1, 2001 (nominees to be announced)
- (c) Nomination for appointment by the President to the following Administrative Committees: Judicial System: David W. McAleavey (Chair), Reba Carruth, and Gregory D. Squires; University Hearing Board: David J. Goodenough, Carol A. Kochhar, Charis Kubrin, Jeffrey P. Smith; Marvin Center Program Board: Yongwu Rong; Marvin Center Governing Board: Leslie B. Jacobson, Irving J. Katz, Stephen McGraw, and Bradley W. Sabelli; Committee on Student Publications: John M. Artz, Colin Green, Don S. Lee, W. Douglas Maurer, William A. Mosier, and Judith A. Plotz

(d) Report of the Executive Committee: Professor John G. Boswell, Chair

(e) Interim Reports of Senate Committee Chairs

7. Brief Statements (and Questions)

8. Adjournment

  
Tim Terpstra  
Secretary

A RESOLUTION ON THE  
REVISED DRAFT OF THE SEXUAL HARASSMENT POLICIES AND PROCEDURES (00/6)

WHEREAS, on October 27, 1997 the Vice President for Academic Affairs forwarded a draft of the Sexual Harassment Policies and Procedures to the Faculty Senate for its review and consideration; and

WHEREAS, the policy includes proscription of not only quid-pro-quo harassment but also of conduct that has the "effect" of creating an "intimidating, hostile, or offensive academic or work environment;" and

WHEREAS, good faith discussion of important academic matters relating to issues of gender may have such an effect on some students, while being regarded as desirable by other students and by faculty; and

WHEREAS, the Faculty Senate and its committees and its subcommittees, together with an Ad Hoc Committee of representatives of both administration and faculty, with the assistance of outside counsel provided by the administration also considered the Sexual Harassment Policies and Procedures, issuing a January 10, 2000 draft, and, following intense criticism by faculty members, including many from the Law School, a modified March 30, 2000 draft; and

WHEREAS, the Faculty Senate at three meetings intensively considered the proposal and recommended further changes ; and

WHEREAS, the administration then retained an additional outside law firm to review the proposed Policy and Procedures, and the firm recommended that the procedures be changed back largely to the January 10 Ad Hoc Committee draft, even though that draft had been later rejected by the Ad Hoc Committee, declared "deeply flawed" in a unanimous straw vote of 22 members of the Law School faculty and rejected by the Faculty Senate itself; and

WHEREAS, the administration's current "Revised Draft" eliminates basic fair process protections for those accused of harassment including:

- A. The right to a copy of the complaint
- B. The right to know the identity of the complainant
- C. The right to discover adverse hearsay documents and the names of adverse witnesses
- D. The right to a hearing prior to the imposition of any sanction without consent of the



accused

- E. The right to an independent, impartial decision-maker
- F. The right to confront and question persons giving adverse information
- G. The right to compel the attendance of witnesses, including the complainant, or to exclude evidence from persons unwilling or unable to appear
- H. The clear indication that the University, not the accused, has the burden of proof
- I. The right to a copy of the decision by the Coordinator, the special panel, or the University; and

WHEREAS, the Revised Draft is far less protective of the rights of faculty respondents than the Statement of Student Rights and Responsibilities, still to be applied in cases where students are the respondents; and

WHEREAS, the Faculty Senate has been advised by counsel from the Law School that the Revised Draft is not compelled by law, nor could government officials consistently with the Constitutional requirement of due process of law compel such procedures; and

WHEREAS, the "Revised Procedures" would force accused faculty members desiring to be afforded basic procedural rights to file civil actions against the University in court, thus subjecting the parties to unnecessary anxiety and expense, and

WHEREAS, an incorrect finding of sexual harassment may unjustly end an academic career; and

WHEREAS, the procedures would encourage risk-averse faculty to eliminate all controversial material relating to issues of gender from their syllabi and class discussions and to refrain from employment of research assistants of the opposite sex

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT:

The Faculty Senate regards the Revised Draft as patently unfair to persons accused of sexual harassment.

The Faculty Senate believes the Revised Draft will chill freedom of academic expression and academic freedom.

The Faculty Senate withholds its formal approval of the Revised Draft

The Faculty Senate implores the University President to reject the Revised Draft

3.

and accept the May 5, 2000 recommendation of the Faculty Senate.

Approved by the Committee on Professional Ethics and Academic Freedom  
January 26, 2001